

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Gary *Miller*, on behalf of himself and all others similarly situated,

Plaintiff,

-against-

Morgan Stanley & Co. Incorporated,

Defendant.

08 CV 3012 (AKH)

Sharon Shawn *Jamail*, individually and on behalf of all others similarly situated,

Plaintiff,

-against-

Morgan Stanley and Morgan Stanley & Co. Incorporated,

Defendants.

08 CV 3178 (AKH)

James R. *Bartholomew*, on behalf of himself and all others similarly situated,

Plaintiff,

-against-

Morgan Stanley and Morgan Stanley & Co. Incorporated,

Defendants.

08 CV 4910 (AKH)

**NOTICE OF MOTION OF DEFENDANTS MORGAN STANLEY AND
MORGAN STANLEY & CO. INCORPORATED FOR CONSOLIDATION**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and Declaration of Gregory A. Markel, Defendants Morgan Stanley and Morgan Stanley & Co. Incorporated (collectively, “Morgan Stanley”), by their counsel, will hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York, pursuant to Federal Rule of Civil Procedure 42(a), for an Order: (i) consolidating the above-captioned related actions; and (ii) granting such other and further relief as the Court may deem just and proper.

Dated: July 2, 2008
New York, New York

CADWALADER, WICKERSHAM & TAFT LLP

By: /s/ Gregory A. Markel

Gregory A. Markel
Ronit Setton
One World Financial Center
New York, New York 10281
Telephone: (212) 504-6000
Facsimile: (212) 504-6666

***Attorneys for Defendants Morgan Stanley and
Morgan Stanley & Co. Incorporated***